



City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Christopher Peifer, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

City Council Meeting Agenda

Notice is hereby given of a workshop/special meeting and regular meeting of the City Council of West University Place to be held on **Monday, March 14, 2016** beginning at **6:00 p.m.** in the **Municipal Building** located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

Note: All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

SPECIAL MEETING (6:00 p.m. in the Bill Watson Conference Room)

1. Park Acquisition and Development

Matters related to the future acquisition and development of parkland in West University Place.
Recommended Action: Discuss and take any desired action. Councilmember Mardi Turner [see Agenda Memo 1/6]

2. Adjourn

REGULAR MEETING (6:30 p.m. in the City Council Chambers)

CALL TO ORDER

Agenda items are as follows:

Call to Order

Pledge of Allegiance

Matters related to the notice of this meeting

3. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

4. Police Department Activity

Matters related to police department activity *Recommended Action: Hear from Chief Walker regarding City police activity. Mayor Susan Sample*

5. Tree City USA Recognition and Arbor Day Proclamation

Matters related to recognizing Tree City USA and proclaiming March 19, 2016 as Arbor Day. *Recommended Action: Proclaim March 19, 2016 as Arbor Day in the City of West University Place. Mr. Craig Koehl, Urban Forester and Ms. Debbie Scarcella, City Planner* [see Agenda Memo 5]

6. Park Acquisition and Development

Matters related to the future acquisition and development of parkland in West University Place. *Recommended Action: Discuss and take any desired action. Councilmember Mardi Turner* [see Agenda Memo 1/6]

7. Video Distribution of Council and Board Meetings

Matters relating to the feasibility and costs associated with broadcasting City Council and Board/Commission meetings via the internet. *Recommended Action: Discuss and take any desired action. Councilmember Brennan Reilly, Mayor Pro Tem Kelly and Gary McFarland, IT Director* [see Agenda Memo 7]

8. Water Well No. 9 Rehabilitation

Matters related to awarding a contract for the rehabilitation of Water Well No. 9. *Recommended Action: Award contract for the rehabilitation of Water Well No. 9. Mr. Dave Beach, Public Works Director* [see Agenda Memo 8]

9. Future Agenda Items

Matters related to future agenda items. *Discuss and take any desired action. City Council* [see Future Agenda Items List]

10. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Meeting

Approve City Council Minutes of the February 22, 2016. *Recommended Action: Approve Minutes. Ms. Thelma Lenz, City Secretary* [see Minutes]

B. Solid Waste Ordinance

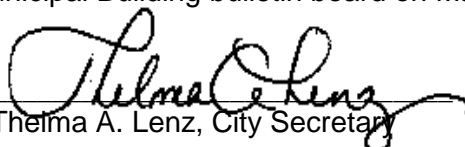
Matters related to a proposed ordinance updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. *Recommended Action: Approve ordinance updating Chapter 38 of the Code of Ordinances on the second and final. Mr. Gerardo Barrera, General Services Superintendent, Public Works Director* [See Agenda Memo 10B]

11. Adjourn

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Lenz at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on March 14th 2016 was posted on the Municipal Building bulletin board on March 11th, 2016 at approximately 10:00 o'clock a.m.

(SEAL)


Thelma A. Lenz, City Secretary

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	March 14, 2016	AGENDA ITEM:	1/6
DATE SUBMITTED:	March 7, 2016	DEPARTMENT:	Parks and Recreation
PREPARED BY:	Tim O'Connor	PRESENTER:	Mardi Turner, City Councilmember and Tim O'Connor, PAR Director
SUBJECT:	Future Parkland Acquisition and Funding (on Workshop and Regular Session Agenda)		
ATTACHMENTS:	1) Ownby property aerial photo 2) Lintner property aerial photo 3) Identified properties details spreadsheet		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

On **Monday, September 28, 2015** Council directed staff to prepare and present a summary of the park acquisition efforts to-date. At the conclusion of that presentation, Council stated that they would take time to consider the information I had presented and they would schedule a workshop to re-visit the matter and provide staff with further direction.

On **Monday, February 28, 2016**, ahead of the regularly scheduled City Council meeting, Council conducted a preliminary discussion regarding park acquisition. The specific points Council discussed:

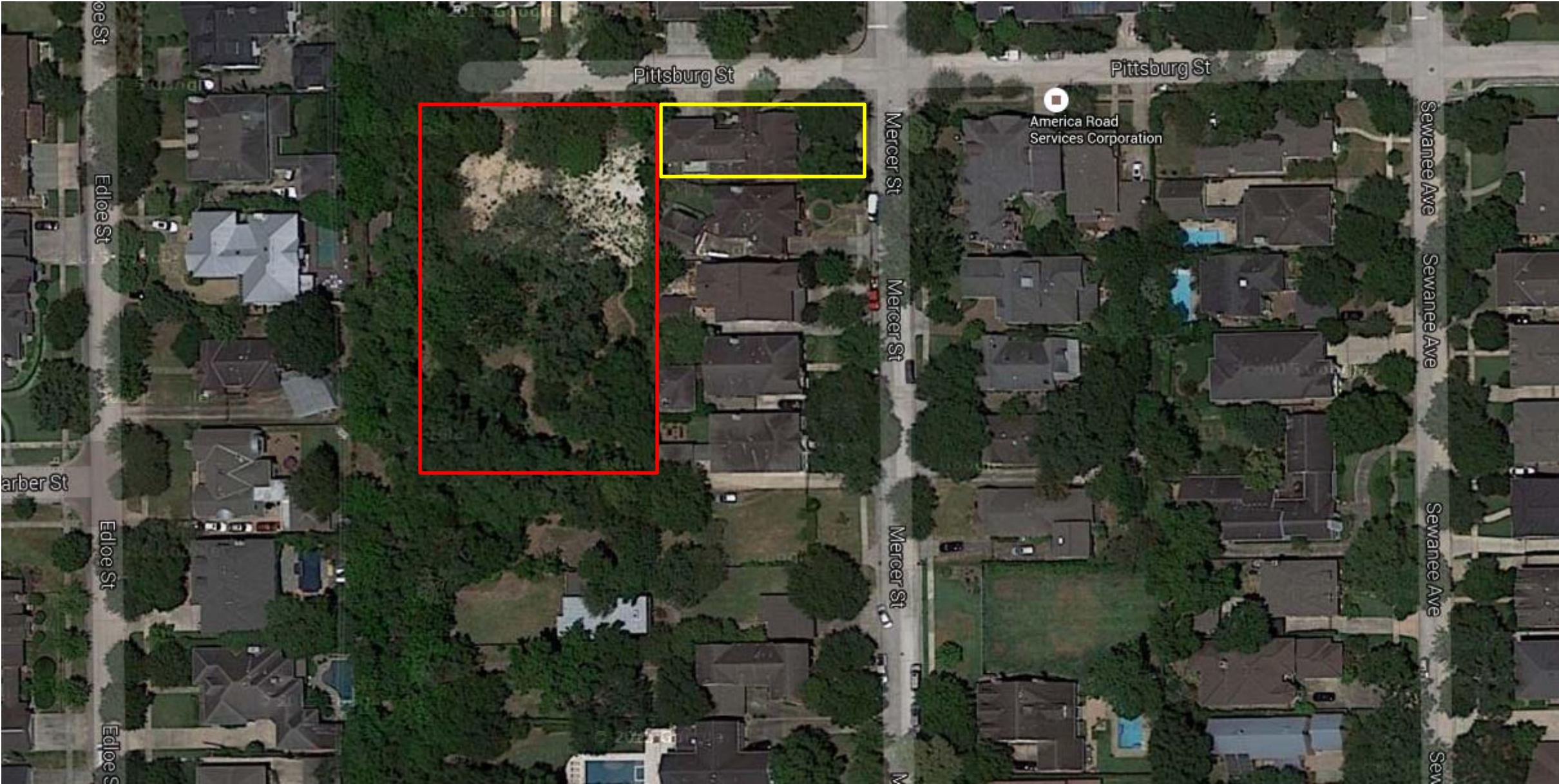
- Overview of the 2015 Citizen Survey, specific to parkland acquisition and development.
- Legal opinion / direction regarding the spending of the \$2M in 2006 Municipal Bonds for parkland acquisition.
- Review of any land that the city has had conversation with the owners in regard to the possible purchase for parkland.
- Very limited discussion of the possible formation of and the expectations of a park acquisition citizen's task force.

Councilmember Turner requested and subsequently scheduled another City Council workshop on **Monday, March 14, 2016** to further discuss the matter of parkland acquisition, in hope of obtaining the consensus of the full Council in regard to developing a definitive plan for acquisition.

RECOMMENDATION

Request that City Council provide staff direction in matters involving park acquisition, development and funding.

Pittsburg at Mercer



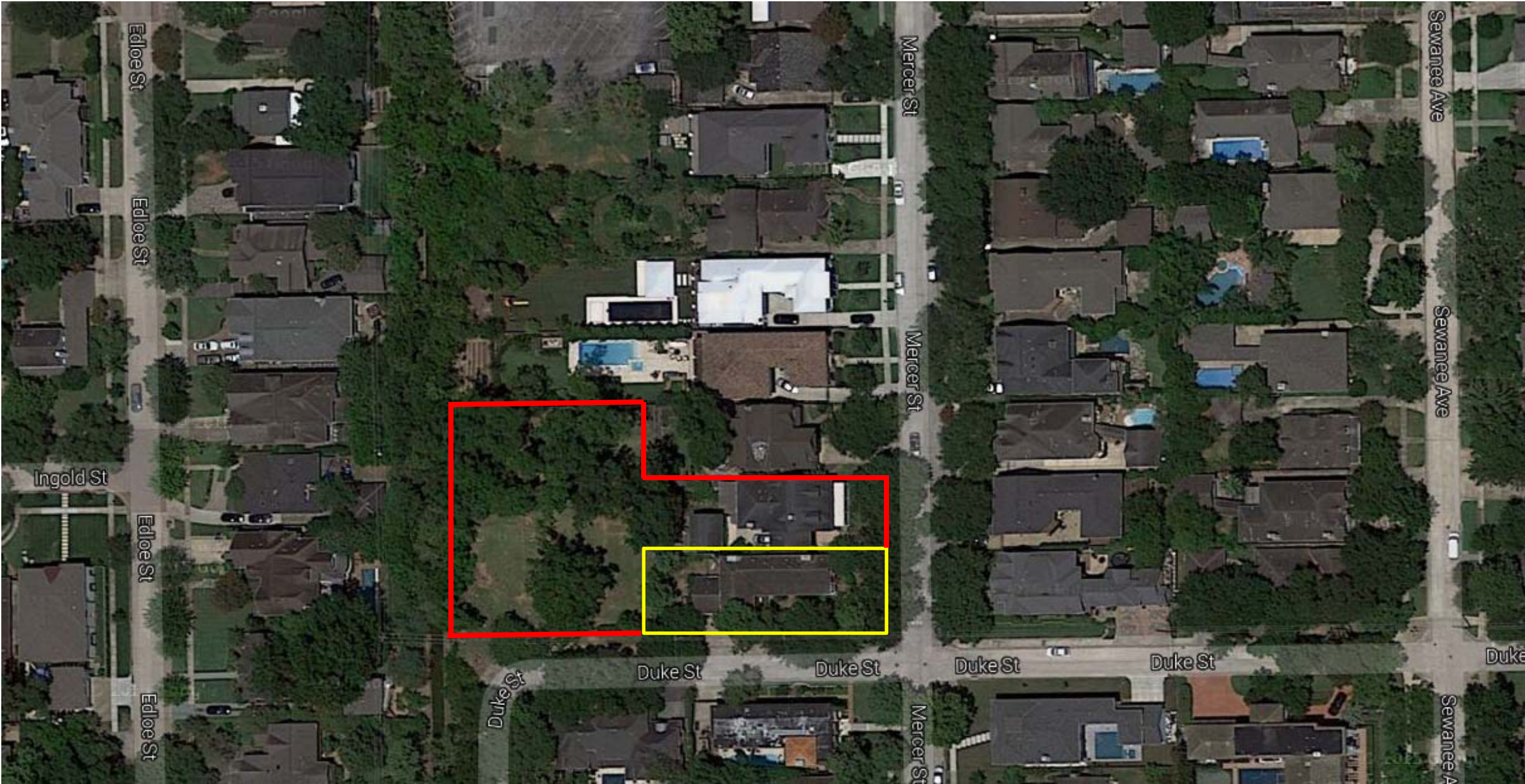
Ownby Properties



Rental Property



Mercer at Duke



Lintner Properties



Rental Property



Park Acquisition Information			
Description	Addresses	Lot Square Footage	HCAD Market Values
Ownby	3615 Pittsburg	26,038	\$2,603,800.00
Rental	6502 Mercer	6,500	\$1,256,000.00
Totals for Ownby and Adjacent Rental Property		32,538	\$3,859,800.00
Lintner	3618 Duke	5,000	\$417,000.00
Lintner	3622 Duke	8,456	\$722,800.00
Lintner	6348 Mercer	7,500	\$1,380,536.00
Rental	6358 Mercer	7,500	\$1,324,782.00
Totals for Lintner Properties and Adjacent Rental Property		28,456	\$3,845,118.00
Combined Totals		60,994	\$7,704,918.00

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	March 14, 2016	AGENDA ITEM:	5
DATE SUBMITTED:	March 7, 2016	DEPARTMENT:	Public Works
PREPARED BY:	D. Scarcella, City Planner	PRESENTER:	D. Beach, Public Works Dir. C. Koehl, Urban Forester
SUBJECT:	Proclamation for Arbor Day 2016/Tree City U.S.A. Designation		
ATTACHMENTS:	Proclamation for Arbor Day 2016		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Arbor Day is a way to educate the community about trees and the environment. The National Arbor Day Foundation promotes local Arbor Day festivities through the Tree City USA award program. Sponsoring a community wide celebration of Arbor Day is a pre-requisite to receiving the Tree City USA designation. Staff has been officially notified by the National Arbor Day Foundation that the city has received its designation for the calendar year of 2015. Formal notification was received in February 2016.

This year, an Arbor Day celebration will be held on March 19, 2016 beginning at 9 am at the Recreation Center. This celebration is being held in conjunction with the Parks and Recreation Department's annual spring celebration which also begins at 9 am. Residents are invited to come by the Recreation Center to meet and talk to the Urban Forester about diversification of the urban forest, adequate growth space and planting appropriate species. Complimentary trees will be available to the first 30 residents to visit the celebration.

RECOMMENDATION

Staff recommends that City Council proclaim March 19, 2016 as Arbor Day in the City of West University Place.

City of West University Place

Proclamation

ARBOR DAY

March 19, 2016

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, in Texas, in 1889, the citizens of Temple conceived an Arbor Day resolution which the Texas Legislature passed into law, and Arbor Day was first celebrated in Texas in 1890; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic viability of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED THAT, I, Susan Sample, Mayor of the City of West University Place, do hereby proclaim **March 19, 2016** as Arbor Day in the City of West University Place, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Susan Sample, Mayor

Date

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

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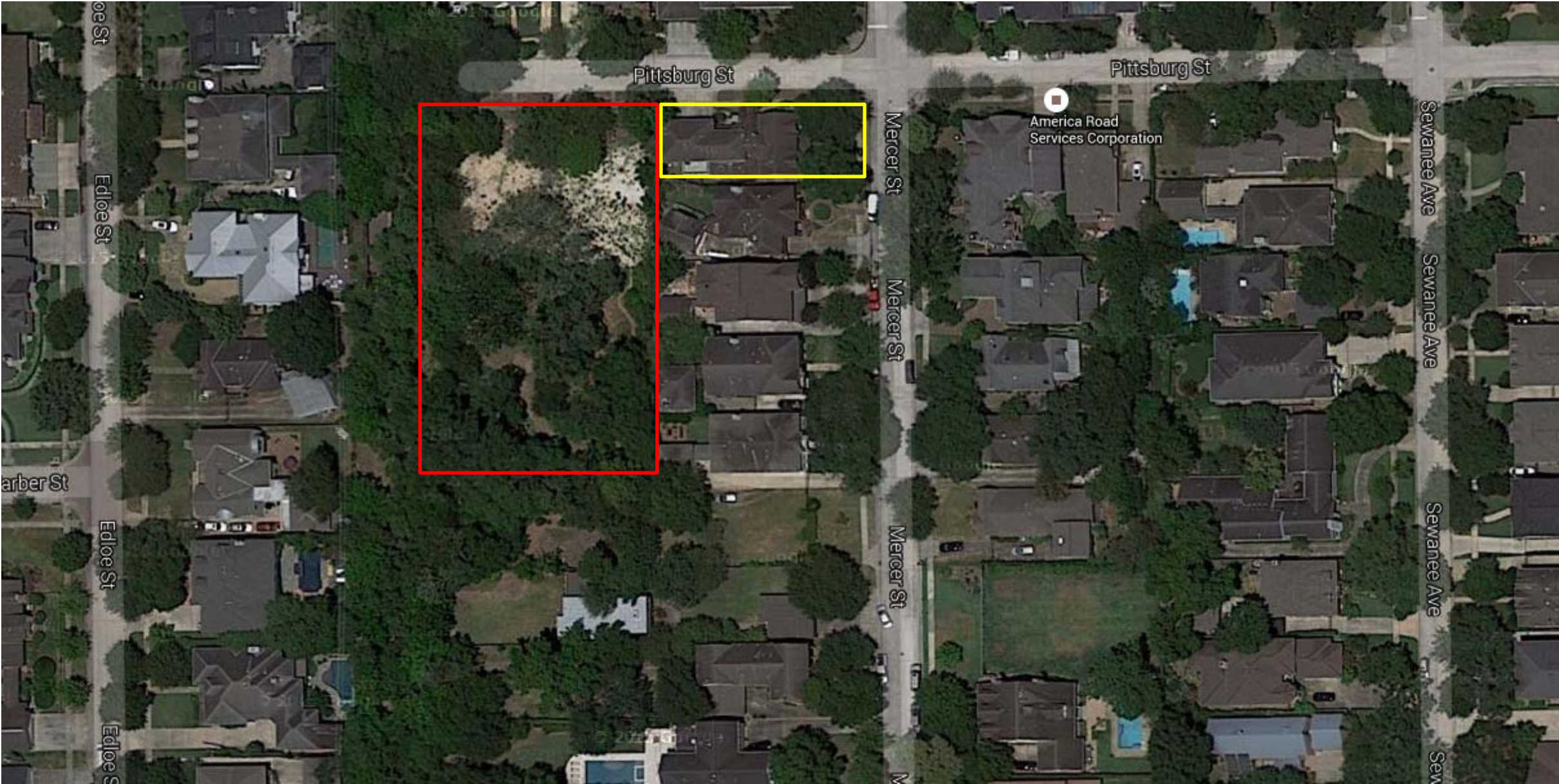
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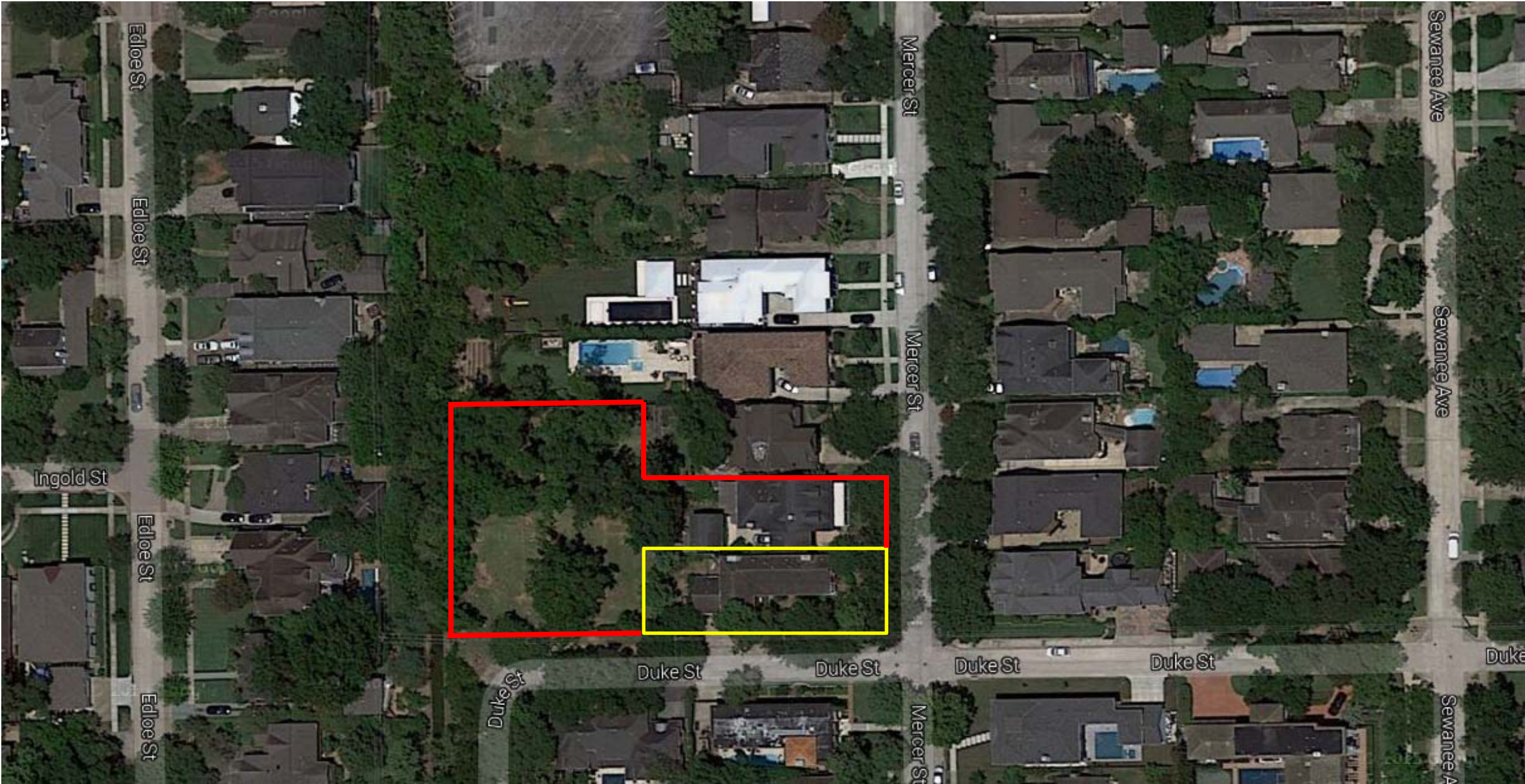
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AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	March 14, 2016	AGENDA ITEM:	7
DATE SUBMITTED:	March 8, 2016	DEPARTMENT:	Information Technology
PREPARED BY:	Gary McFarland, IT Director	PRESENTER:	Gary McFarland, IT Director
SUBJECT:	Video Broadcasting of City Council, Board, and Commission Meetings		
ATTACHMENTS:	Cost Estimates		
EXPENDITURE REQUIRED:	TBD		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

As requested by City Council, staff is prepared to discuss potential video broadcasting of City Council, Board, and Commission meetings. The individual components of doing such are:

Broadcasting Methods:

- Internet
- Public/Education/Government (PEG) Channel, i.e. Cable TV

Content Types:

- Archived (i.e. On-demand or Scheduled)
- Live

Production Methods:

- In-House
- Service Provider

Quantity of Cameras (Council Chambers & Bill Watson Conf Rm):

- One camera in each room
- Multiple cameras in each room

COMBINATIONS

Option	Broadcasting Method	Content Type	Production Method	Qty of Cameras (per room)
1	Internet	Archived	In-House	Single Camera
2	Internet	Archived + Live	Service Provider	Single Camera
3	Internet + PEG TV	Archived & Scheduled + Live	In-House	Multiple Cameras
4	Internet + PEG TV	Archived & Scheduled + Live	Service Provider	Multiple Cameras

SURVEY RESULTS

(Informal)

An email survey was sent statewide, focusing on the three (3) topics shown below. Follow-up phone calls were made to clarify some information, with priority on benchmark cities. In all, 23 cities responded - 12 were benchmarks. The narrative summary is below:

1 - Internet Video Broadcasting & Viewership Per-Event;

- **Archive Content;**
 - All 23 cities provide Internet archives, 1 of which is audio only (Deer Park).
 - Viewership per-event was very hard to obtain;
 - 1 reporting city was under 50,000 population;
 - 24 average views per-event (University Park).
 - 1 reporting city was over 50,000 population;
 - 5 to 39 views per-event (Pearland).
 - Other cities over 50,000 for which stats were obtained manually from Youtube;
 - 2 cities showed 10 to 20 views per-event (Missouri City & Mesquite).
 - 2 cities showed 25 to 50 views per-event (Baytown & Sugar Land).
 - 1 city showed 50 to 100 views per-event (College Station).
- **Live Content;**
 - 17 cities provide Internet live broadcast, 1 of which is audio only (Deer Park).
 - Viewership per-event was very hard to obtain.
 - 3 reporting cities were under 50,000 population;
 - 1 reported 3 to 4 views per-event (Bellaire).
 - 1 reported 50 to 100 views per-event (Rosenberg).
 - 1 reported 50 to 300 views per-event (Bastrop).
 - 3 reporting cities were over 50,000 population;
 - 1 reported 30 to 40 views per-event (Wichita Falls).
 - 2 reported approximately 210 views per-event (Denton & Pearland).

2 - PEG TV Broadcasting & Viewership Per-Event;

- **Scheduled Content;**
 - 17 cities provide PEG TV scheduled programming;
 - 6 cities are under 50,000 population.
 - 11 cities are over 50,000 population.
 - Viewership was unavailable across the board.
- **Live Content;**
 - 13 cities provide PEG TV live broadcast;
 - 5 cities are under 50,000 population.
 - 8 cities are over 50,000 population.
 - Viewership was unavailable across the board.

3 - Full Time Equivalent (FTE) Estimates;

- 14 cities provided estimates (their best guess that includes IT & Communications staff).
 - Cities under 50,000 population;
 - 6 cities reported a low FTE count of 0.2 to a high of 1.0 (avg. 0.54 FTE's).
 - Cities over 50,000 population;
 - 8 cities reported a low FTE count of 2.0 to a high of 4.0+ (avg. 3.11 FTE's).

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

ASSUMPTIONS

1. Video Broadcasting is not a requirement for West U under H.B. No. 283;
 - a. Because we are less than 50,000 population.
2. PEG fees can be used for capital, but not ongoing expenses such as staff;
 - a. \$202,700 in the current balance.
 - b. \$38,000 per year is collected.
3. PEG Channel requires a minimum of 8hrs programming PER DAY.

4. Estimated Annual Meeting Frequency & Hours;

Meeting Name	Abbrev.	Annual Mtgs	Est. Length	Annual Hrs
_City Council Meetings	CC	26	3	78
_City Council Town Hall Meetings (estimate)		4	3	12
_City Council Work Shops (estimate)		8	2	16
P&R-Friends of West U Parks	Friends	8	1	8
P&R-Parks & Recreation Board	PRB	12	2	24
P&R-Senior Services Board	SSB	10	1	10
PW-Building & Standards Commission	BSC	12	3	36
PW-Recycling & Solid Waste Reduction Board	RSWRB	12	3	36
PW-Zoning & Planning Commissions	ZPC	12	3	36
PW-Zoning Board of Adjustment	ZBA	12	3	36
Estimated Meetings & Hours		116		292

5. Assumed Roles & Estimated Percentage of one FTE;

Roles	Responsibility	% of One FTE
Operator (as a percentage of one FTE)	Attends all events (+1 hr more per event). Performs setup, testing and camera control.	20%
Editor (as a percentage of one FTE)	Edits all events. Indexes and posts on Internet and/or makes PEG TV schedule.	14%
Videographer/Producer (as a percentage of one FTE)	Creates unique non-meeting content (1 day a week).	20%
Estimated Percentage of one FTE		54%

RECOMMENDATION

Discuss if this is a service we want to pursue further and provide staff with direction on the preferred Option to investigate.

Video Broadcasting
Cost Estimate

Option	Broadcasting Method & Type	Roles	% of one FTE	Up-front Cost	Services Cost	Staff Cost	1st Year Costs	Recurring Costs	Notes
1	<u>Internet / Archived / In-House / Single Camera</u>								Not needed - Single camera Edits, indexes and posts on Internet NO non-meeting content
		Operator	0%	\$ -	\$ -	\$ -			
		Editor	14%	\$ -	\$ -	\$ 11,300			
		Videographer/Producer	0%	\$ -	\$ -	\$ -			
		TOTALS	14%	\$ 15,300	\$ -	\$ 11,300	\$26,600	\$ 11,300	
2	<u>Internet / Archived + Live / Service Provider / Single Camera</u>								Not needed - Single camera Included with the Service NO non-meeting content
		Operator	0%	\$ -	\$ -	\$ -			
		Editor	0%	\$ -	\$ -	\$ -			
		Videographer/Producer	0%	\$ -	\$ -	\$ -			
		TOTALS	0%	\$ 12,000	\$ 6,000	\$ -	\$18,000	\$ 6,000	
3	<u>Internet + PEG TV / Archived & Scheduled + Live / In-House / Multiple Cameras</u>								Performs setup, testing and camera control Edits, indexes and posts on Internet + PEG TV Creates unique non-meeting content
		Operator	20%	\$ -	\$ -	\$ 15,700			
		Editor	14%	\$ -	\$ -	\$ 11,300			
		Videographer/Producer	20%	\$ -	\$ -	\$ 16,000			
		TOTALS	54%	\$ 29,900	\$ -	\$ 43,000	\$72,900	\$ 43,000	
4	<u>Internet + PEG TV / Archived & Scheduled + Live / Service Provider / Multiple Cameras</u>								Included with the Service Included with the Service Creates unique non-meeting content
		Operator	0%	\$ -	\$ -	\$ -			
		Editor	0%	\$ -	\$ -	\$ -			
		Videographer/Producer	20%	\$ -	\$ -	\$ 16,000			
		TOTALS	20%	\$ 26,200	\$ 8,400	\$ 16,000	\$50,600	\$ 24,400	

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	March 14, 2016	AGENDA ITEM:	8
DATE SUBMITTED:	March 9, 2016	DEPARTMENT:	Public Works
PREPARED BY:	P. Walters, Operations Supt.	PRESENTER:	P. Walters, Operations Supt.
SUBJECT:	Water Well No. 9 Rehabilitation		
ATTACHMENTS:	City Engineer's Letter of Recommendation		
EXPENDITURE REQUIRED:	\$264,929.00		
AMOUNT BUDGETED:	\$325,000.00		
ACCOUNT NO.:	340-7000-85002		

EXECUTIVE SUMMARY

Staff has completed the processes with the assistance of the city engineer regarding Water Well No. 9 Rehabilitation as approved for the 2015 and 2016 FY Budgets. The competitive bidding process is complete and the engineer has completed the review of bids and made a recommendation. Staff concurs with the engineer's recommendation. There were 3 bids received and the engineer and city staff has experience working with this bidder. The low bid received was for \$264,929.00 which is below the budget cost for this project. The low bidder, Layne Christensen Company, is an international company based in Houston with many years in the drinking water industry.

This project will include a thorough inspection of the well including pulling the well assembly, cleaning the well and video inspection of the well interior and screens. This project includes repair or replacement of any worn or damaged items. City staff and the engineer have had experience working with Layne Christensen Company. The specified time to complete this project is 120 days.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to approve a Contract with Layne Christensen Company for performance of the Water Well 9 Rehabilitation Project in the amount of \$264,929.00.



March 8, 2016

Mr. Dave Beach
Public Works Director
City of West University Place
3826 Amherst
West University Place, Texas 77005

Re: Letter of Recommendation
Well No. 9 Rehabilitation
HDR Job No. 15-050

Dear Mr. Beach:

On March 3, 2016, three (3) bids were received for the above referenced project. The following is a summary of our bid evaluation:

Bid Tabulation Sheet – Three (3) well construction firms participated in the bidding process. Each bid was checked for mathematical errors and /or bid irregularities. The project was bid with 17 Base Bid Items and 18 Supplemental Items. A copy of the Bid Tabulation is attached to this letter. The Base Bid Items included basic inspection and rehabilitation of the well. Supplemental Bid Items were included to allow for replacement of equipment on an as-need basis and to provide repairs for unanticipated conditions discovered during televised inspection of the well.

Layne Christensen Company submitted the low bid in the amount of \$264,929.00 and provided a Statement of Qualifications, Bid Bond of 5%, list of references and history of similar work for this project. Layne Christensen Company has performed many projects of this size and type in the greater Houston Area and was the company that originally constructed Well No. 9.

HDR Engineering has worked with Layne Christensen, Inc. on several other projects. We have been satisfied with the performance of Layne Christensen Company on the previous work performed. Layne Christensen appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner.

We recommend that the City of West University Place award the Well No. 9 Rehabilitation Project to Layne Christensen Company for a total of \$264,929.00, which includes all Base and Supplementary Bid Items.

Please contact me at (713) 576-3642 if you have any questions or need any additional information to award the contract to Layne Christensen.

Sincerely,

HDR Engineering, Inc.

A handwritten signature in blue ink, appearing to read "D. M. Hunn", with a stylized flourish extending to the right.

David M. Hunn, P.E.
Senior Project Manager

				Low Bidder					
				Layne Christensen Company		Weisinger Incorporated		Alsay Incorporated	
ITEM NO.	ITEM DESCRIPTION	UNIT	QUAN.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
A. Base Bid Items									
1	Repair Gravel-Wall Water Well and perform Well Rehabilitation as needed, including pump removal inspection reassembly and reinstallation; provide Performance Test, including vibration analysis; perform water sampling and testing, collecting bacteria samples according to TCEQ Standards, disinfection of well, cleaning and painting, complete as specified.	LS	1	\$ 17,650.00	\$ 17,650.00	\$ 28,200.00	\$ 28,200.00	\$ 17,750.00	\$ 17,750.00
2	Mobilize and demobilize necessary labor and equipment to brush and jet accumulated debris from the bottom of Water Well including trip-in and trip-out and sounding the well upon completion, complete as specified.	LS	1	\$ 5,800.00	\$ 5,800.00	\$ 250.00	\$ 250.00	\$ 750.00	\$ 750.00
3	Jet accumulated debris from the bottom of Water Well, complete as specified.	HR	30	\$ 350.00	\$ 10,500.00	\$ 325.00	\$ 9,750.00	\$ 275.00	\$ 8,250.00
4	Provide wire brush cleaning, complete as specified	HR	30	\$ 250.00	\$ 7,500.00	\$ 275.00	\$ 8,250.00	\$ 250.00	\$ 7,500.00
5	Provide new 1-15/16" "top special" section of line shaft, complete as specified.	EA	1	\$ 198.00	\$ 198.00	\$ 330.00	\$ 330.00	\$ 375.00	\$ 375.00
6	Provide new 1-15/16" x 3" bronze line shaft bearing, if required, complete as specified.	EA	95	\$ 100.00	\$ 9,500.00	\$ 85.00	\$ 8,075.00	\$ 101.00	\$ 9,595.00
7	Provide new 10" x 3" tube centralizers, complete as specified.	EA	23	\$ 17.00	\$ 391.00	\$ 15.00	\$ 345.00	\$ 20.00	\$ 460.00
8	Provide new 1-15/16" line shaft couplings, complete as specified.	EA	26	\$ 24.00	\$ 624.00	\$ 15.00	\$ 390.00	\$ 32.00	\$ 832.00
9	Provide new 1-15/16" x 3" tension bearing with stuffing box, complete as specified.	LS	1	\$ 1,400.00	\$ 1,400.00	\$ 900.00	\$ 900.00	\$ 750.00	\$ 750.00
10	Provide new motor drive shaft for Water Well, complete as specified.	LS	1	\$ 268.00	\$ 268.00	\$ 650.00	\$ 650.00	\$ 375.00	\$ 375.00
11	Provide new 10' x 10" suction pipe with galvanized cone strainer for Water Well, complete as specified.	LS	1	\$ 500.00	\$ 500.00	\$ 470.00	\$ 470.00	\$ 510.00	\$ 510.00
12	Provide new heated oiler for Water Well, including new solenoid valve, site feed valve, and oil line with fittings, complete as specified.	LS	1	\$ 1,400.00	\$ 1,400.00	\$ 1,500.00	\$ 1,500.00	\$ 1,800.00	\$ 1,800.00
13	Televise water well with a color camera with side look view, DVD recording and written report, complete as specified.	EA	3	\$ 1,400.00	\$ 4,200.00	\$ 1,350.00	\$ 4,050.00	\$ 1,800.00	\$ 5,400.00
14	Repair the existing well pump bowl assembly, including new impeller shaft, bowl wear rings, bowl bearings, and oil seals, complete as specified.	LS	1	\$ 3,400.00	\$ 3,400.00	\$ 5,500.00	\$ 5,500.00	\$ 3,500.00	\$ 3,500.00
15	Furnish and install new 350 HP motor. Replace in-kind.	LS	1	\$ 21,500.00	\$ 21,500.00	\$ 30,000.00	\$ 30,000.00	\$ 37,145.00	\$ 37,145.00
16	Storm Water Pollution Prevention Plan installation, maintenance, and record keeping, complete as specified.	LS	1	\$ 250.00	\$ 250.00	\$ 100.00	\$ 100.00	\$ 500.00	\$ 500.00
17	Provide Traffic & Pedestrian Control, complete as required.	LS	1	\$ 300.00	\$ 300.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00
TOTAL BASE BID ITEMS:					\$ 85,381.00		\$ 99,010.00		\$ 95,992.00
B. Supplemental Items									
S-1	Straighten 1-15/16" line shafts in accordance with pump manufacturers specifications.	EA	23	\$ 47.00	\$ 1,081.00	\$ 70.00	\$ 1,610.00	\$ 19.00	\$ 437.00
S-2	Add gravel to Water Well lap, complete in place as specified.	VF	10	\$ 36.00	\$ 360.00	\$ 5.00	\$ 50.00	\$ 50.00	\$ 500.00
S-3	Mobilize and demobilize necessary labor and equipment to add gravel to Water Well lap including trip-in and trip-out and sounding the lap and well upon completion, complete as specified.	LS	1	\$ 178.00	\$ 178.00	\$ 50.00	\$ 50.00	\$ 500.00	\$ 500.00
S-4	Provide new 3" x 5' oil tubes, complete as specified.	EA	95	\$ 65.00	\$ 6,175.00	\$ 50.00	\$ 4,750.00	\$ 87.00	\$ 8,265.00
S-5	Provide new 10" x 20' sections of Schedule 40 threaded and coupled column pipe, complete as specified.	EA	23	\$ 934.00	\$ 21,482.00	\$ 750.00	\$ 17,250.00	\$ 720.00	\$ 16,560.00
S-6	Provide new 1-15/16" x 20' sections of line shaft, complete as specified.	EA	23	\$ 408.00	\$ 9,384.00	\$ 330.00	\$ 7,590.00	\$ 380.00	\$ 8,740.00
S-7	Provide new 10" x 10' sections of Schedule 40 threaded and coupled column pipe, complete as specified.	EA	1	\$ 531.00	\$ 531.00	\$ 385.00	\$ 385.00	\$ 503.00	\$ 503.00
S-8	Provide new 1-15/16" x 10' sections of line shaft, complete as specified.	EA	1	\$ 229.00	\$ 229.00	\$ 190.00	\$ 190.00	\$ 203.00	\$ 203.00
S-9	Provide new 10", "top special" section of column pipe, complete as specified.	EA	1	\$ 531.00	\$ 531.00	\$ 460.00	\$ 460.00	\$ 750.00	\$ 750.00
S-10	Provide new 3", "top special" oil tube, complete as specified.	EA	1	\$ 88.00	\$ 88.00	\$ 145.00	\$ 145.00	\$ 175.00	\$ 175.00
S-11	Swage the casing or screen prior to installing a patch, as specified complete in place.	EA	1	\$ 6,599.00	\$ 6,599.00	\$ 7,100.00	\$ 7,100.00	\$ 5,000.00	\$ 5,000.00
S-12	Install 5' long corrugated steel patches, as specified complete in place.	LS	1	\$ 11,765.00	\$ 11,765.00	\$ 13,700.00	\$ 13,700.00	\$ 5,000.00	\$ 5,000.00
S-13	In lieu of Bid Item 14, provide new and complete line shaft 1600 gpm pump bowl assembly for Water Well, complete in Place	EA	1	\$ 16,092.00	\$ 16,092.00	\$ 18,000.00	\$ 18,000.00	\$ 18,624.00	\$ 18,624.00
S-14	In lieu of any and all applicable items for repair, provide complete column assembly new with bid item S-13 included. Column assembly to include items listed in Base Bid Items 5 through 12.	EA	1	\$ 60,323.00	\$ 60,323.00	\$ 49,000.00	\$ 49,000.00	\$ 74,572.00	\$ 74,572.00
S-15	Insert approx 15% hydrochloric acid solution, with inhibitor, in Water Well, agitate, neutralize, and remove and dispose of acid, complete as specified.	GAL	7,355	\$ 3.00	\$ 22,065.00	\$ 4.00	\$ 29,420.00	\$ 6.80	\$ 50,014.00
S-16	Additional cost to include acid enhancer (Layne QC-21 or Johnson Screens NW 310) to the hydrochloric acid in supplemental Item S-14, complete as specified.	GAL	220	\$ 85.00	\$ 18,700.00	\$ 65.00	\$ 14,300.00	\$ 85.50	\$ 18,810.00
S-17	Insert 12% Sodium Hypochlorite solution in Water Well, add solution (Layne Oximate or approved equal) to neutralize pH, add 300-500 ppm of Chlorine, agitate, remove and dispose of chlorine, complete as specified.	LS	1	\$ 2,565.00	\$ 2,565.00	\$ 8,000.00	\$ 8,000.00	\$ 12,350.00	\$ 12,350.00
S-18	Additional televise water well with a color camera with side look view, DVD recording and written report, complete as specified.	EA	1	\$ 1,400.00	\$ 1,400.00	\$ 1,350.00	\$ 1,350.00	\$ 1,800.00	\$ 1,800.00
TOTAL SUPPLEMENTAL ITEMS					\$ 179,548.00		\$ 173,350.00		\$ 222,803.00
A. Base Bid Total:					\$ 85,381.00		\$ 99,010.00		\$ 95,992.00
B. Supplemental Items Total					\$ 179,548.00		\$ 173,350.00		\$ 222,803.00
Total Bid:					\$ 264,929.00		\$ 272,360.00		\$ 318,795.00
Represents Error Corrected by Engineer									

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda.

Date	Item	Synopsis & Recommendation
03/14/16	Park Acquisition and Development City Council Workshop	Matters related to the future acquisition and development of parkland in West University Place. Mr. Tim O'Connor, Parks and Recreation Director
03/14/16	Park Acquisition and Development Regular Agenda	Matters related to the future acquisition and development of parkland in West University Place. Mr. Tim O'Connor, Parks and Recreation Director
03/14/16	Video Distribution of Council and Board Meetings	Matters relating to the availability of City Council and Board/Commission meetings by internet video. <i>Discuss and take any desired action.</i> Councilmember Brennan Reilly and Mayor Pro Tem Kelly
03/14/16	Solid Waste Ordinance (second reading)	Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. <i>Recommended Action: Approve ordinance updating Chapter 38 of the Code of Ordinances on second and final reading.</i> Mr. Dave Beach, Public Works Director
03/14/16	Water Well No. 9 Rehabilitation	Matters related to awarding a contract for the rehabilitation of Water Well No. 9. <i>Recommended Action: Award contract.</i> Mr. Dave Beach, Public Works Director
03/14/16	Police Activity	Matters related to the City's police activity. <i>Recommended Action: Hear from Chief Walker regarding City police activity.</i> Mayor Susan Sample
03/14/16	Tree City USA Recognition and Arbor Day Proclamation	Matters related to a proclamation proclaiming March 19, 2016 as Arbor Day. <i>Recommended Action: Proclaim March 19, 2016 as Arbor Day in the City of West University Place.</i> Mr. Craig Koehl, Urban Forester and Ms. Debbie Scarcella, City Planner
03/28/16	Ground Storage Tank	Matters related to authorizing funds from the Water Capital Improvement Project Fund to fund a 1.5 MG Storage Tank concrete floor. <i>Recommended Action: Authorize funds from the CIP fund for a 1.5 MG Storage Tank concrete floor.</i> Mr. Dave Beach, Public Works Director.
04/11/16	National Volunteer Month	Matters related Matters related to proclaiming the month of April "National Volunteer Month" in the City of West University Place. <i>Recommendation: Proclaim April "National Volunteer Month" in the City of West University Place.</i> Ms. Toby Brooks, Senior Services Manager
04/11/16	Joint Resolution with Harris County	Matters related to adopting a resolution with Harris County. <i>Recommendation: Approve Resolution.</i> Mr. Aaron Taylor, Fire Chief

Date	Item	Synopsis & Recommendation
04/11/16	Wastewater Treatment Plant Belt Filter Press #2	Matters related to awarding a contract for the replacement of Belt Filter Press #2 at the Wastewater Treatment Plant. <i>Recommended Action: Replace Belt Filter Press #2 at the Wastewater Treatment Plant. Mr. Dave Beach, Public Works Director</i>
04/25/16	National Water Safety Month	Matters related to proclaiming the month of May 2016 "National Water Safety Month" in the City of West University Place. <i>Recommendation: Proclaim May "National Volunteer Month" in the City of West University Place. Ms. Brittany Bakes, Recreation Manager</i>
04/25/16	Lemonade Day Proclamation	Matters related to proclaiming May 1, 2016 as Lemonade Day in West University Place, Texas. <i>Recommended Action: Proclaim May 1, 2016 as Lemonade Day in West University Place. Mayor Susan Sample</i>
05/09/16	National Older Citizens Month	Matters related to proclaiming the month of May 2016 as "National Older Citizens Month" in the City of West University Place. <i>Recommendation: Proclaim May as "National Older Citizens Month" in the City of West University Place. Ms. Toby Brooks, Senior Services</i>
06/13/16	National Parks and Recreation Month	Matters related to proclaiming July 2016 as "National Parks and Recreation Month" in the City of West University Place. <i>Recommendation: Proclaim July as "National Parks and Recreation Month" in the City of West University Place. Mr. Tim O'Connor, Parks and Recreation Director</i>
10/24/16	Chevron Houston Marathon	Matters related to the 2017 Chevron Houston Marathon. <i>Ms. Susan White, Assistant Parks and Recreation Director</i>
10/24/16	Parks & Recreation 2017 Fee Schedule	Matters related to an ordinance adopting the 2017 Fee Schedule for the Parks and Recreation Department. <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Friends 2017 Projects	Matters related to funding of the Friends of West University Place Parks 2017 projects. <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Aquatics MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Baptist Church MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Tri-Sports MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Proposed CenterPoint Utility Corridor Parking Lot	Matters related to the status of the work with the Evelyn's Park Conservancy and the planning efforts with CenterPoint.

Date	Item	Synopsis & Recommendation
TBD	WU Rec Center Campus Parking Lot	Matters related to the proposed expansion of the parking lot on the ELPH Pipeline Property / West Side of the campus. <i>Recommended Action: Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Safe Pedestrian Crossing	Matters regarding the investigation and installation of a safe pedestrian crossing at the railroad tracks on the north side of Bellaire Boulevard. <i>Recommended Action: Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Harris County District Attorney Investigation	Matters related to the Harris County District Attorney investigation of City Council members, including payment or reimbursement of attorneys' fees. <i>Discuss and take any desired action. Councilmember Brennan Reilly</i>
TBD	Fee Schedule	Matters related to approving an ordinance amending the fee schedule. <i>Recommended Action: Approve ordinance amending the fee schedule on the first of two readings. Mr. Chris Peifer</i>
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Texas Ethics Commission Opinion	Matters related to a Texas Ethics Commission opinion relating to the content of articles written in <i>City Currents</i> . <i>Recommended Action: Discuss and take any desired action. Councilmember Brennan Reilly</i>
TBD	Parking Survey	Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action. Mr. Dave Beach, Public Works Director</i>
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired. City Council</i>
TBD	Poor Farm Ditch	Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>
TBD	Investment Policy	Matters related to amendments to the City's Investment Policy and Investment Strategies. <i>Discuss and take any desired action. Ms. Rhonda Daugherty, Finance Director</i>
TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. <i>Mr. Chris Peifer, Interim City Manager</i>

3/11/2016 8:54:40 AM



The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Chris Peifer, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in workshop and regular session on **Monday, February 22, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:00 p.m.**

SPECIAL MEETING/WORKSHOP (held in the Bill Watson Conference Room at 6:00 p.m.)

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:00 p.m. in the Conference Room. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Parks Board Chair, Kevin Boyle, was also in attendance.

1. Park Acquisition and Development

Matters related to the future acquisition and development of parkland in West University Place.
Recommended Action: Discuss and take any desired action.

Parks and Recreation Director O'Connor presented this item. He started by saying that, though it was reported on the Instant News website that staff would be revealing possible new park sites to Council, staff will not be presenting/recommending any new park sites to Council this evening.

Mr. O'Connor said at this meeting staff will discuss with Council an overview of the citizen survey from 2015, the legal opinion on the direction of spending the \$2,000,000 in approved municipal bonds from the 2006 Bond Election, possible parkland sites that have been discussed in the past with the landowners, and the formation of a parks acquisition citizen task force and the expected duties and responsibilities of such a task force.

Mr. O'Connor briefly reviewed a PowerPoint presentation that was presented at the September 28, 2015 Council meeting and summarized the citizen survey in relation to the acquisition of additional parkland.

Councilmember Ballanfant said there was an election [in 2006] and the majority of the people voted to acquire parkland and appropriated \$2,000,000 to do that, and his thought is that an election outweighs a survey.

Councilmember Turner stated that it is still a matter for discussion, but given that the election was 10 years ago, there has been significant turnover in the community. She said the City is reaching the end of the timeframe on that election in November of this year.

After completing his presentation, Mr. O'Connor said Council's direction is needed for staff to (1) update the potential properties map, (2) update the 2007-2008 Park Acquisition and Development Criteria forms, (3) consider appointments of a 2015-2017 Task Force, (4) develop a written conceptual vision for both active and passive future parks, and (5) develop funding expectations and guidelines.

Regarding the 2006 Municipal Bond Election, City Attorney Petrov confirmed that there is generally a 10-year life span for bond authorizations and after the 10 years the Attorney General's Office would consider an election stale and would require a new election.

Regarding Councilmember Turner's statement that the City can't just issue \$2,000,000 in bonds and put the money in the bank and wait for available property, City Attorney Petrov said the City could do that to a certain extent. He said the City could issue the bond and obtain another three-year window to expend the funds following issuance; however, if the City does not spend the funds within the three years, it would lose its tax exempt status on the bonds and the purchasers of the bonds could then sue the City because tax exempt bonds were sold and not used as intended.

City Attorney Petrov confirmed with Councilmember Reilly that the City can't change the purpose of the contract with the voters who voted in the bond election, meaning that if time is running out and the City has not yet purchased property, which is what the voters approved, it can't use the funds to renovate a park.

Mr. O'Connor reviewed a document requested by Councilmember Turner that focused on two properties for the possible purchase of parkland. Mr. O'Connor stated that staff has had conversations with the property owners in the past regarding purchasing their properties for parkland.

Councilmember Turner said she asked Mr. O'Connor to look at realities and real possibilities as opposed to moon shots. She said when she was on the Parks Board, they looked at every property valued with improvements under \$100,000 and she said there were a lot of them. She said it takes a lot of effort for staff to create a map of all those properties; so, because the City knows of two certain properties, she suggested that Mr. O'Connor focus on those two for this presentation.

Mr. O'Connor discussed the two properties – one at Pittsburgh and Mercer (Ownby property) and one at Duke and Mercer (Lintner Property) – being discussed.

Councilmember Turner asked whether Council wants to appoint a task force to pursue the two individual properties and have that task force be partially involved in finding funding since \$2,000,000 won't be enough. She confirmed with Mr. O'Connor that it may be 4 years down the road before property is available for purchase, but said the City could be putting a plan in place to make things a little more concrete. She said the City could also be looking at an alternative of expanding one or more of the existing parks by acquiring adjacent properties.

Councilmember Turner said there doesn't seem to be, and never has been, a great deal of enthusiasm for any of the properties that were identified in 2007-2008. She said as soon as the Parks Board landed on the "perfect" property, the neighborhood generally got upset about the

concept. She said the Ownby and Lintner properties seem more likely to be acceptable to the community in general.

Councilmember Ballanfant said he thinks that Council should be bound by election results, so he thinks Council should proceed with selling the bonds and acquire the parkland in the area identified in the bond election language.

Councilmember Turner pointed out that those properties aren't available at this time and the probability of acquiring one of the properties is 4 to 5 years out and if the bonds were sold today, the property would have to be purchased within 3 years.

City Attorney Petrov said Council could consider structuring a purchase agreement with the owners that would take effect in 4 or 5 years. He said the money could be placed in an escrow and that a definite contract to expend the funds would satisfy the IRS requirements.

Councilmember Reilly said he agrees with Councilmember Ballanfant and said he wouldn't have a problem acquiring parkland for \$2,000,000 but he wouldn't raise taxes to acquire property over \$2,000,000. He said he believes there are alternative revenue sources.

Mayor Sample said she doesn't think the City can earmark monetizing property. She said the City has debt and other things it might want to pay first.

It was requested that this item be added to the next regular agenda.

2. Adjourn

At 6:35 p.m., Mayor Sample closed and adjourned the Workshop/Special meeting.

REGULAR MEETING (held in the Council Chambers at 6:30 p.m.)

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:35 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Mayor Pro Tem Kelly led the Pledge.

City Secretary Lenz confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

3. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

Eddie Matthews, 5906 Fordham, spoke about the issue of parkland acquisition. He said he does not have a problem with Council and staff exploring potential site acquisitions, but feels that it is incumbent upon the Council to present an updated or new plan, with cost estimates included, to the voters for approval. He said Council should not rely on a 9 or 10-year-old vote, which is his mind is

now stale. Mr. Matthews said some of the residents who voted in 2006 may have either moved away from the City or their opinion may have changed as their children aged. He said \$2,000,000 won't buy as much in 2016 as it did in 2006, so the \$2,000,000 bond issue seems to be totally inadequate. Mr. Matthews said, in addition, the 2015 Citizen Survey certainly did not give a majority support for new parkland, so if a proposal is developed to acquire additional parkland it and proposed funding should be submitted to the residents for a new vote and their approval.

Ramsay Elder, 2817 Tanglely, spoke to remind Council that in the past 40 years (1975-2015) the City acquired over 300,000 square feet of parkland all on the west side and no bond election was ever required with the respect to purchase of any of these properties. He said the land was simply purchased with available funds or Certificates of Obligations were issued and only now when it is the east side's turn for parkland are requirements being made and the rules being changed. Mr. Elder said no election should be required for parkland acquisition.

Alida Drewes, 6112 Fordham Street, spoke to say if there is a time limit for the acquisition of parkland, it should have been put on the agenda after the city manager [Michael Ross] was fired. She said residents are seeing more broken campaign promises, because taxpayers did not say to expand existing parks. She said expanding existing parks does not help those residents who can't walk to a park now. Ms. Drewes said surveys did not include land to Kirby Drive, so again Council is not listening to the will of the people. She said the taxpayers want fair treatment and asked Council to quit discriminating against the people on the east side.

4. Evelyn Park Development

Matters related to the status of the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. *Discuss and take any desired action.*

Parks and Recreation Director O'Connor presented and said that Councilmember Reilly requested that staff provide Council an update on the development of Evelyn's Park, specifically the possibility of a shared parking arrangement with the City of Bellaire.

Mr. O'Connor introduced Patricia King-Ritter and Lou Waters, President and Vice President, respectively, of Evelyn's Conservancy and they provided Council with the vision and masterplan of Evelyn's Park, which is being developed on a 5-acre property at New Castle and Holcombe.

After their presentation, the CenterPoint Energy Easement west of the railroad was discussed. Mr. Waters said the Evelyn Conservation has an agreement with CenterPoint to hold that easement for them so it can be developed for additional parking. He said they recently met with some CenterPoint representatives to kickoff discussions regarding the matter and will be meeting with the City of Houston Parks representatives because the City of Houston has a large amount of CenterPoint easement property under contract. Mr. Waters said they have a lot of homework to do and will keep West U posted and, at the appropriate time, look to discuss a shared agreement with the City as things develop.

Councilmember Reilly asked Mr. Waters if he feels there is already enough parking for the conservancy. Mr. Waters said, yes, but it's been made very clear by the citizens and the Council of Bellaire to be prepared for the larger events. He said they view the easement along the railroad as overflow parking and it could also be great for valet parking for their private events.

After Mr. Waters and Ms. King-Ritter completed their presentation, Mr. O'Connor gave an overview of staff's action in regard to shared parking and a safe pedestrian railroad crossing. He said in August 2015, he contacted the City of Bellaire to determine if there was a possibility of West University Place sharing the cost of the development of a parking lot on the CenterPoint utility corridor. At that time Bellaire was investigating in respect to developing a 200 – 250 space lot to accommodate off-site parking for Evelyn's Park. He said upon follow-up with the City of Bellaire, it appears the parking lot on CenterPoint property is not a high priority at this time for them, but they have graciously agreed to keep the City in the loop as they move forward.

Mr. O'Connor said staff's concern in looking at the initial paperwork shared by Bellaire's Parks and Recreation Director, Karl Miller, CenterPoint has a requirement that the entity building the parking lot have property immediately adjacent to the lot and the City of West U doesn't meet the criteria.

Regarding a safe pedestrian crossing, Mr. O'Connor said staff has conducted an initial investigation in regard to facilitating construction of a safe pedestrian crossing on the north side of Bellaire Boulevard at the BNSF rail-road crossing and found that it is doable. He said he contacted Annett Jenkins, Senior Manager of Permits with the Rail Practice Group, and she informed him that the City would need to file an application (\$750.00) for a private crossing permit and submit that application along with a drawing that reflects the pedestrian crossing at the exact location. He said staff facilitated some very preliminary research on pedestrian crossings and discovered that such construction normally costs in excess of \$75K.

City Manager Peifer pointed out that another hurdle is the fact that some time ago, the railroad easement was annexed into the City of Houston, as well as the last 500 feet of Bellaire Blvd., so if Council decides to move forward with the project, it would require approval from Houston.

Councilmember Reilly inquired about the crushed gravel parking lot on the west side of the Recreation Center that is used mainly for sporting events. He asked would that parking lot be something Bellaire would be interested in using in the near term giving that it is already developed. Mr. O'Connor said he said he can't answer that, but without a safe pedestrian crossing, he's not certain that it would be of any interest.

Mr. O'Connor said to be clear, the City doesn't own that property and that the City has a gentlemen's agreement with the ELPH Pipeline and so the City was able to do a complete regrade in 2010. He said it doesn't look like a parking lot, but rather something the railroad may be using for service; so, staff suggested adding an asphalt overlay and putting in striping and parking blocks. He said the current unstriped parking lot can accommodate approximately 30 vehicles and with the paved, striping and concrete parking blocks, the space can accommodate 52 vehicles.

Mayor Sample said if the City is looking at 50 or more parking spots and use of an underutilized field behind it, the City has increased its parking 40 percent than what it already has. She said if the City can configure something like what staff is suggesting for minimal costs, it will drive people onto Bellaire and out of parking in front of houses in the neighborhoods.

Mr. O'Connor said Public Works Director Beach is looking into the associated costs. He said he is in conversations with ELPH Pipeline. He said they currently have verbal agreements with several of the residents along Community between Bissonnet and Holcombe for the use of the right-of-way. He said the representative he is dealing with at ELPH, Steve Cross, indicated that there is an active CenterPoint pipeline in the corridor, which he believes is natural gas. Mr. O'Connor said ELPH is amenable to considering the sale, long-term lease, rental or maintenance of the corridor in

exchange for the City's use of the property. He said staff is moving as quickly as possible on this and ELPH has been very receptive at this point.

Councilmember Reilly said a lot of people are anticipating the opening of Evelyn's Park and if there is anything the City can do to help out, he thinks it would be welcomed by the City. He said he would love for staff to continue getting estimates on expanding the parking and to also consider the discussions with the railroad and the City of Houston about the possibility of improving pedestrian access for the residents of West U to be able to access Evelyn Park. He said it is a little way to give back what the City will get from that park as citizens of West U.

Mr. O'Connor said if it is the consensus of Council, staff will move forward on the safe pedestrian crossing.

Mayor Pro Tem Kelly said he wants to be sure that there will be no issue in spending the City's money outside of the City's limits.

City Attorney Petrov said the City has to be sure it is spending City funds for a Municipal purpose and so it would have to be tied back to the citizens of West U.

With that said, Mayor Pro Tem Kelly said he agrees with Mayor Sample and Councilmember Reilly. He said the City is extremely fortunate to have Evelyn's Park right there on the City's boundary and so to the extent of what the City can do within the purview of the law, the City should take a hard look at it.

Mayor Sample said maybe the City could work out shared parking with them. She said putting a walking access with taxpayer's dollars is probably something the Council shouldn't be asking residents to do. She said residents probably wouldn't walk a mile or half a mile from their homes to go to Evelyn's Park, especially since there is opposition about spending money on a park in West U. She said Council needs to be looking at what it is spending in West U before spending it for a long distance walking to a park in another city.

Councilmember Reilly said it would be an absolute bargain compared to the \$3,000,000 it would cost the City for something that would be a fraction of Evelyn Park. He said from the Rec Center to Evelyn Park is probably 200 yards at most.

Councilmember Reilly moved to request that City staff continue its investigation of improving the parking lot on the west side of the Rec Center and investigate a potential safe pedestrian crossing of the railroad tracks.

Mayor Sample said the two issues should be separate because one relates to the safe pedestrian crossing and the other is parking for West U.

Councilmember Reilly requested a second to his motion.

Mayor Sample said she would like to amend Councilmember Reilly's motion to make it two separate motions – one for a pedestrian crossing over the railroad track and one for moving forward with looking for expanding parking for the Rec Center.

City Attorney Petrov said first there needs to be a Second for Councilmember Reilly's motion and then a motion to amend.

Councilmember Reilly's **motion failed** due to lack of a second, so he made another motion.

Councilmember Reilly moved to request that staff continue its investigation of potential pedestrian crossing of the railroad at the west side of West U that intersects with Bellaire. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes:	Sample, Kelly, Ballanfant, Reilly, Turner
Noes:	None
Absent:	None

Mayor Sample moved to request that staff continues its investigation of expanding Rec Center parking to the west of the Rec Center to include the utility easement and the vacant lot behind the Rec Center. Councilmember Reilly seconded the motion.

Councilmember Reilly requested discussion and said it is his understanding that the expansion into the second lot would potentially involve a turnaround. He asked would there be actual parking adjacent to the homes on Community.

Mr. O'Connor said he believes that is what the motion involves, but staff would ask that they be allowed as part of the investigation to visit with Tri-Sports and with the immediate neighbors, because the City does have a gentlemen's agreement with Tri-Sports that the lot would be for future use for storage and possibly some batting cages for Tri-Sports. He said staff has kept the neighbors involved in the process since 2004 and much more intensely since 2007 so they would be aware of the City's intentions.

Councilmember Reilly suggested that staff make it clear that the request to investigate is contingent on what the neighbors have to say. He said his guess is that they wouldn't want batting cages next to their homes, but in any event, he thinks staff should talk to the neighbors before adding a bunch of parking immediately adjacent to their homes as opposed to taking a piece of that lot and having a turnaround. He said staff should be careful that the homeowner knows that staff is not recommending that it turn the lot adjacent to them into a parking lot, but rather staff is investigating and starting discussions about it.

Councilmember Ballanfant said discussions at this point might be more meaningful if Council has staff review this and come back to Council with several different proposals in order to weigh the merits of each proposal.

City Manager Peifer said staff's intention as it proceeds is to have some immediate action and relief for the summer season.

Mayor Sample said it is important to look at that lot because she doesn't know if it's appropriate to hold a vacant lot off the tax rolls for future use by Tri-Sports if they want it. She said Tri-Sports would probably appreciate alleviating parking or turnaround because it's so crowded and people have to park a half a mile away and cut through the neighborhoods to get to events.

Councilmember Ballanfant said a lot of this discussion has been about lots, easements, and right-a-ways, etc., and none of that is in the material in front of Council. He said if Council is going to vote on something like this, it needs maps showing what is being proposed and what the alternatives

are, so that Council can see what the full menu is and not just be voting on a proposal that spawned here at the meeting.

Mayor Sample informed Councilmember Ballanfant that the motions being made tonight direct staff to investigate the options and come back to Council with alternatives and plans.

Councilmember Reilly said he feels this process of discussing this relatively early on is useful in order to decide whether it is something Council wants staff to investigate. He said it is a good way of doing business and lets the public know well in advance that something is being planned.

At this time a vote was made to the motion by Mayor Sample and second by Councilmember Reilly.
MOTION PASSED.

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

5. Solid Waste Ordinance

Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. *Recommended Action: Approve ordinance of the Code of Ordinances of the City of West University Place on the first of two readings.*

Public Works Director Beach presented this item and said the proposed ordinance is an update to the solid waste ordinance that was last updated in 2003. He said the changes are to make the Code reflect what the City is currently doing and to reflect the addition of two new services – yard waste recycling and the curbside bulk trash collection. He said the suggested changes have been approved by legal and so Council is being asked to approve the proposed ordinance on the first of two readings.

Mr. Beach reviewed briefly the proposed changes:

- Adding “Recycling” to the title of the Chapter
- Revising and adding definitions to Article 1, Section 3
- Changing how regulars take effect as established by the director
- Adding language that would allow disposal of waste in the storm sewer system unlawful
- Clarifying preparation of recycling materials
- Changing number of days before collection to the placement requirement for tree limbs
- Adding Bulk Waste section
- Addition of “nuisance” to Section 38-20
- Adding provision to allow Code Enforcement Officer to take action violations
- Removing provisions granting credit of solid waste fee for participating in recycling

Councilmember Turner moved to approve the recommended changes to Chapter 38 of the Code of Ordinances on the first of two readings. Councilmember Reilly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

6. Future Agenda Items

Matters related to future agenda items. *Discuss and take any desired action.*

Mayor Pro Tem Kelly requested that the video distribution item be scheduled for the next meeting (March 14, 2016).

7. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Meeting

Approve City Council Minutes of the February 8, 2016. *Recommended Action: Approve Minutes.*

Councilmember Reilly requested that the Minutes be removed from the Consent Agenda for discussion.

Councilmember Reilly said on the bottom of Page 2, he stated incorrectly at the meeting that the law prohibiting parking on sidewalks was enacted in 1995, but the law was actually codified in 1995. He said after additional research, it turns out that the law prohibiting parking on sidewalks was part of the Vernon's 1948 Code, so he wanted to include that information in the Minutes.

City Attorney Petrov said the motion should be to add an addendum to the Minutes.

Councilmember Reilly moved to add an addendum to the Minutes to reflect that the State law prohibiting parking on sidewalks was codified in 1995, but was part of Vernon's Civil Statutes in 1948 and may have been part of earlier Texas State law. Mayor Pro Tem Kelly seconded the motion.

City Secretary Lenz said she will add a clarifying statement to the February 8, 2016 Minutes.

A vote was made on the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

A motion was made by Councilmember Reilly to approve the Minutes as amended. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

8. Adjourn

Before adjournment, City Manager Peifer announced that the Drug Enforcement Task Force plans on providing advertisement for a prescription take back program on April 30th. He said more information is forthcoming from the DEA and West U.

With no further discussion, Councilmember Turner moved to adjourn the meeting at 7:55 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

Prepared By:

Thelma A. Lenz, City Secretary

Date Approved

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF WEST UNIVERSITY PLACE, TEXAS

AGENDA OF:	March 14, 2016	AGENDA ITEM:	10B
DATE SUBMITTED:	February 18, 2016	DEPARTMENT:	Public Works
PREPARED BY:	G. Barrera, General Svcs. Supt.	PRESENTER:	G. Barrera, General Svcs. Supt.
SUBJECT:	Second and Final Reading of the Proposed Changes to City Ordinance - Chapter 38: Garbage and Trash Ordinance		
ATTACHMENTS:	Ordinance with Redlined Changes		
EXPENDITURE REQUIRED:	None		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Chapter 38 of the ordinance was last revised in its entirety in 1998 via ordinance 1576, with a minor addition in 2014 via ordinance 1990. Since 1998, there have been changes in the way the City collects and disposes of trash and recycling, changes to the collection routes, and the addition of new programs, however, there has been little to no change to the ordinance.

With the guidance of the City Attorney and advisement of the Recycling and Solid Waste Reduction Board, staff proposed the following changes to the ordinance upon the first reading:

- **Title of Chapter**
 - The addition of “recycling” to the title of the chapter.
- **Article I – Sec 38-1 – Definitions**
 - Revision and addition to definitions that are referenced throughout the ordinance.
- **Sec 38-2 – Role of Director**
 - Changes to how regulations take effect as established by the director.
- **Sec 38-3 – Certain Deposits prohibited**
 - Addition that makes the disposal of waste in the storm sewer system unlawful.
- **Article II – Sec 38-28 – Preparation, placement, etc.; basic and special services**
 - Clarification of preparation of recycling materials.
 - Addition of definition of Yard Waste and Yard Waste Materials.
 - Change from six (6) days to (3) days before collection to the placement requirement of yard waste material (limbs).
 - New addition of Bulk Waste section

- **Sec 38-30 – Accumulation of waste**
 - Addition of “nuisance” to the title of this section.
 - Adding provision to allow code enforcement officer to take action for violations under this section.
- **Sec 38-31 – Programs to encourage recycling, etc.**
 - Removal of provision granting credit of solid waste fee for participation in recycling.

There are no additional changes to the ordinance as presented during the first reading.

RECOMMENDATION

Staff recommends that City Council approve the proposed ordinance with the recommended changes to Chapter 38 on the second and final reading.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 38, GARBAGE, TRASH AND RECYCLING, ARTICLES I, IN GENERAL, ARTICLE II, CITY COLLECTION SYSTEM AND ARTICLE III, PRIVATE HAULERS, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, FOR THE PURPOSE OF UPDATING THE CITY'S GARBAGE COLLECTION REGULATIONS AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:

Section 1. Chapter 38, Garbage, Trash and Recycling, Articles I, in General, Article II, City Collection System and Article III, Private Haulers, of the Code of Ordinances of the City of West University Place, Texas is amended to read as set out in Appendix A, attached hereto. All other portions of Chapter 38 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance takes effect immediately upon its passage and adoption on second reading.

PASSED, APPROVED AND ADOPTED ON FIRST READING on the 22nd day
of February, 2016.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND
SIGNED**, on the _____ day of _____, 2016.

Attest: _____
City Secretary (Seal)

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Appendix A
(Amended Chapter 38, Code of Ordinances)

ARTICLE I. - IN GENERAL

Sec. 38-1. - Definitions.

Unless the context requires a different meaning, the following terms, when used in this chapter, have the meanings indicated below:

Alley shall mean a paved asphalt or concrete drive of sufficient width to provide easy access for collection equipment.

Approved bag shall mean a bag meeting the most recently published specifications for the type of garbage ~~or~~ trash or yard waste it contains. The director shall establish the specifications within these standards:

- (1) The specified bags must be readily available in the area, at a reasonable cost;
- (2) The bags must allow efficient collection and handling;
- (3) There may be different types of bags for different types of garbage ~~or~~ trash or yard waste; and
- (4) There may be distinctive tags or markings required for bags containing certain types of garbage or trash.

~~The director is specifically authorized to specify recyclable bags for yard waste or other materials.~~

Curbside shall mean the area between the sidewalk and the roadway portion of a street or alley, or if there is no sidewalk, the area considered to be the right of way, usually found within ten feet of the roadway.

Dwelling shall mean a living unit such as a building or any part thereof used exclusively as living quarters for any number of individuals living together as a single housekeeping unit, including apartments, duplexes and multi-apartments.

~~Garbage~~Recyclable material means material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material

Recycling shall mean ~~solid waste consisting of animal and vegetable waste a process by which~~ materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete, are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed

solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

Waste

(a) Bulky trash/waste:

Large objects with dimensions and proportions greater than those allowed for/in basic collection (limitations apply).

(b) Construction & Demolition (C&D) waste:

Waste resulting from the handling, construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures.

(c) Garbage:

Solid wastes from the domestic and commercial preparation, cooking, dispensing and consumption of food.

(d) ~~Trash shall mean~~ Hazardous waste:

Any solid ~~waste consisting~~ or liquid waste identified or listed as a hazardous waste by the administrator of newspapers, mixed paper, glass, cartons, yard the United States Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC, § 6901 et seq., as amended.

(e) Infectious wastes:

Waste material containing pathogens or biologically active materials which because of its type, concentration, and quality are capable of transmitting disease to persons exposed to the waste materials.

(f) Liquid Waste:

Any waste material that is determined to contain "free liquids" as defined by EPA Method 9095 (Paint Filter Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical methods" (EPA Publication Number SW-846).

(g) Medical waste:

Animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care-related facilities as those terms are defined in 25 Texas Administrative Code Section 1.132 (Tex. Dept. of Health, Definition, Treatment and Disposition of Special Waste from Health Care-Related Facilities).

(h) Municipal solid waste:

Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activity, including garbage, rubbish, ashes, street cleaning, dead animals, and anyall other material commonly understood to bewaste, excluding industrial solid waste and hazardous waste or substances.

(i) Putrescible waste:

Organic wastes that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

(j) Rubbish:

Trash and ~~eligible for debris~~ of all kinds that is nonputrescible waste and refuse material that is not yard or special waste.

(k) Special Waste:

Any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and disposal at an ordinary municipal landfill. The term "trash" shall also protect the human health or the environment. [If improperly handled, transported, stored, processed or disposed of or otherwise managed, it may pose a present or potential danger to the human health or the environment.]

(l) Trash:

Discarded matter and are no longer useful or wanted and have been thrown away.

(m) Yard Waste:

Grass, grass clippings, and yard debris, brush, including clean woody vegetation that results from residential landscaping maintenance. This does not include ~~items subject to the city's recycling program (cans, bottles, newspapers, etc.)~~ stumps, roots or shrubs with intact root balls.

(Code 2003, § 11.001)

Sec. 38-2. - Role of director.

To the extent provided in this chapter, the director of the public works department or other person designated by the city manager (referred to in this chapter as the "director") shall have jurisdiction over garbage, trash, recycling and trashyard waste accumulated in the city, including collection, conveyance and disposal. The director shall establish regulations consistent with this Code establishing the schedules for regular collections, specifying the types of recycling materials, specifying approved bags and other containers and providing other regulations for preparation and placement. However, no change in such regulations takes effect until published in the city's newsletter or utility bills. An educational campaign effort will be made to ensure all residents are notified of changes that have been made and approved.

(Code 2003, § 11.002)

Sec. 38-3. - Certain deposits prohibited.

(a) In general. It shall be unlawful for any person to:

(1) Scatter, throw or deposit any garbage, trash, or other rubbish, refuse or litter upon any street area or alley; or

- (2) Place, sweep, deposit or throw garbage, trash, [recycling, yard waste](#) or other rubbish, refuse or litter within the city in such a manner that it may be carried or deposited by the elements upon or into any street area or any other premises different from the premises where it is placed, swept, deposited or thrown.

- (3) [Place, sweep, deposit or throw garbage, trash, recycling, yard waste or other rubbish, refuse or litter in the storm drainage system.](#)

Exception: This subsection does not apply to garbage~~or~~, trash, [recycling and yard waste](#) prepared and placed as required for basic collection by the city, at a dwelling for which fees under this chapter are nondelinquent.

- (b) Responsibility of owner, etc. When prohibited material is found in a street area, it shall be the duty of each person who owns or controls adjacent premises to remove it, if the person knows that the material is present. In this subsection, "prohibited material" means material prohibited to be placed in the street area by subsection (a). It is an affirmative defense to prosecutions under this subsection that the material:

- (1) Did not originate on the adjacent premises; and
- (2) Was placed in the street area without the consent of any person in control of the adjacent premises.
- (c) Affirmative defenses. The following are affirmative defenses to prosecutions under this section:
- (1) Because of hurricane or other calamity, it was not practicable to remove the material or to store it somewhere else.
- (2) The time and manner of placement of the material was specifically directed by an authorized representative of the city.
- (3) There was a permit in effect for a major development or major remodeling of the affected premises, and the premises are in full compliance with applicable regulations for work site conditions and clean-up (see, e.g., section 18-58 of this Code).
- (4) The material was eligible for city collection under this chapter, it was intended to be collected by the city as a special [collection](#) service, and it was in fact collected by the city and paid for as a special [collection](#) service.

(Code 2003, § 11.003)

Sec. 38-4. - Vacated premises to be cleaned.

It shall be unlawful for any person who owns, occupies or controls premises which are vacated, or from which the occupant moves:

- (1) To fail or refuse to remove all garbage, trash and other rubbish from such premises; or
- (2) To fail or refuse to place the premises in a thoroughly sanitary condition within 24 hours after the premises are vacated or moved from.

(Code 2003, § 11.004)

Secs. 38-5—38-26. - Reserved.

ARTICLE II. - CITY COLLECTION SYSTEM

Sec. 38-27. - Collection system established; application.

A city system of collecting garbage, trash, recycling and trashyard waste at curbside or in alleys is hereby established. City collection applies to all dwellings but does not apply to schools, churches, business establishments, commercial, industrial or other premises used for business or nondwelling purposes.

(Code 2003, § 11.010)

Sec. 38-28. - Preparation, placement, etc.; basic and special services.

- (a) Basic collections. The basic fee covers basic collection of garbage and trash prepared and placed as follows:

~~Type Preparation Placement (location) Placement (time)~~
~~Recycling materials designated by the director Sorted by type, in paper bags or other containers designated by the director, not to exceed 40 pounds per bag. Curbside~~
~~Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)~~
~~Tree and hedge trimmings and limbs two to four feet long and not more than three inches in diameter. Untied bundles or stacked. Curbside adjacent to the dwelling unit of origin Not sooner than the sixth day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)~~
~~Leaves, grass clippings, and small tree and hedge trimmings (up to one foot long and up to 0.25 inch in diameter) In approved bags, not to exceed 40 pounds per bag. Note: The director may require recyclable bags. Curbside adjacent to the dwelling unit of origin Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)~~
~~All other garbage and trash. In closed and secured approved bags, not to exceed 40 pounds per bag. Curbside adjacent to the dwelling unit of origin Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)~~

<u>Type</u>	<u>Preparation</u>	<u>Placement (location)</u>	<u>Placement (time)</u>
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<u>Recycling materials designated by the director</u>	<u>In City provided recycling bins or other approved containers designated by the director, not to exceed 40 pounds per container.</u>	<u>Curbside adjacent to the dwelling unit of origin.</u>	<u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the 8:00a.m. the day of scheduled collection. (Normally one day per week.)</u>
<u>Yard Waste materials - Tree and hedge trimmings and limbs two to four feet long and not more than three inches in diameter.</u>	<u>Untied bundles or stacked.</u>	<u>Curbside adjacent to the dwelling unit of origin</u>	<u>Not sooner than the third day: before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)</u>
<u>Yard Waste materials - Leaves, grass clippings, and small tree and hedge trimmings (up to one foot long and up to 0.25 inch in diameter)</u>	<u>In approved bags, not to exceed 40 pounds per bag.</u>	<u>Curbside adjacent to the dwelling unit of origin</u>	<u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than 8:00a.m. the day of scheduled collection. (Normally one days per week.)</u>
<u>Bulk Trash designated by the director</u>	<u>Stacked neatly behind the curb.</u>	<u>Curbside adjacent to the dwelling unit of origin</u>	<u>Not sooner than 6:00p.m. on the day before a regular collection day for this type of material, no later than 8:00 a.m. the day of scheduled collection. (Normally one day per week)</u>

<u>All other garbage and trash.</u>	<u>In closed and secured approved bags, not to exceed 40 pounds per bag.</u>	<u>Curbside adjacent to the dwelling unit of origin</u>	<u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than 8:00 a.m. the day of scheduled collection. (Normally two days per week.)</u>
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- (b) Special collection services. The director may ~~collect~~ authorize the collection of garbage, trash or other material not covered by this article.
- (c) Other materials. Other materials, including paint, insecticides, chemicals, etc. may be collected under special programs established by the director from time to time. These may be handled as an adjunct to regular collections or as a special service.

(Code 2003, § 11.011)

Sec. 38-29. - Fees.

- (a) Established. A basic fee shall be charged each month for each dwelling to cover basic collections. Additional fees are charged for special services. The basic fees and special services fees shall be established from time to time by the city council. The occupant of a dwelling and any other person who controls that dwelling are jointly responsible for the basic fees and any other fees for collection of garbage ~~or~~ trash, recycle and yard waste from curbside adjacent to that dwelling.
- (b) Delinquent accounts. All delinquent accounts are subject to suspension of garbage, trash, recycle and trashyard waste collection. Service shall be resumed after suspension only on payment of accumulated fees for the period of collection and the period of non-collection.
- (c) Disputes; waivers. The director is authorized to investigate any disputed fee and to make corrections. The director is authorized to waive a special services fee if:
- (1) The circumstances causing the fee were not under the control of the person charged or of any occupant or person in control of the dwelling in question; or
 - (2) Other good cause is shown.

However, no waiver is effective unless described in a written memorandum from the director to the finance director. The memorandum must identify the account name, account address, amount waived and reason.

(Code 2003, § 11.012)

Sec. 38-30. ~~Accumulation~~ Nuisance; accumulation of ~~garbage and trash~~ waste.

Any unauthorized accumulation of ~~rubbish, refuse, garbage or trash~~ waste on any

premises is hereby declared unlawful, to be a nuisance and is prohibited. A person in control of the premises shall be given adequate warning to dispose of such accumulation, after which the city may cause the removal of the accumulation at the expense of the property owner. Violations will be assessed in accordance with Chapter 42, Article III of the city ordinance.

(Code 2003, § 11.013)

Sec. 38-31. - Programs to encourage recycling, etc.

From time to time, the city council, by motion ~~or~~, resolution or through budgetary action, may approve special programs to encourage recycling, mulching, composting and similar techniques to reduce the waste that the city must handle conventionally. A program may be in effect indefinitely or only for a limited time. As part of a program, the city council may:

- ~~(1) — Grant a credit against the city's solid waste fee for a user who participates in the program, which shall be an exception to the generally applicable fee schedule; and~~
- ~~(2)~~ (1) Make available devices and equipment to users of the city's waste collection system, at a reduced cost or no cost.

In each case, the benefits of the program to the city must be designed to equal or exceed the costs borne by the city, including both expenditures and fee credits.

(Code 2003, § 11.016)

Secs. 38-32—38-50. - Reserved.

ARTICLE III. - PRIVATE HAULERS

Sec. 38-51. - When permit required.

It shall be unlawful for any person, other than duly authorized employees and representatives of the city, to collect garbage ~~or~~, trash or recycling at curbside from any dwelling unit within the city, unless authorized to do so by a current and valid private hauler permit. It is an affirmative defense to prosecution under this section that the owner or person in control of the dwelling unit in question made a contract or other special arrangement for the collection of the garbage or trash in question.

(Code 2003, § 11.021)

Sec. 38-52. - Application; public convenience, etc.

A person desiring a private hauler permit must apply in writing to the director and pay the prescribed fee. The director shall investigate each application and determine if the public convenience and necessity require the issuance of the permit, taking into account the existing services, the proposed service, the needs of the public, the costs of service and other related matters.

(Code 2003, § 11.022)

Sec. 38-53. - Issuance of permit; duration.

If the director determines that public convenience and necessity require the issuance of a permit, the director shall issue the applicant the appropriate permit. No permit shall be transferable, and each permit shall expire at midnight on May 2 following the date on which the permit was issued.

(Code 2003, § 11.023)

Sec. 38-54. - Revocation; appeal.

Any permit issued under this chapter may be revoked or suspended by written notice from the director for any violation of this Code, other ordinance of the city, traffic law or state law, by the permittee or the operator of any vehicle of such permittee. Before issuing such a notice, the director shall make a reasonable attempt to contact the permittee and provide an opportunity for the permittee to respond to the allegations. Within five days after receiving such a notice, an appeal may be made to the city council for reinstatement. The city council shall give the appellant a hearing, and after the hearing, the city council may reverse, affirm or modify the action taken.

(Code 2003, § 11.024)

Sec. 38-55. - Commercial collections; containers.

- (a) In general. Commercial collection rules shall apply to any school, church, business establishment, commercial, industrial or other premises not used exclusively for residential purposes in the city (collectively referred to below as "nonresidential premises"). The city will not provide commercial collection of garbage or trash. Collection of commercial garbage and trash is the responsibility of the property owner or other person in control of the premises, who must provide adequate collection to prevent the unauthorized accumulation of garbage and trash. This may require a "dumpster" or other container for garbage or trash with a capacity larger than 95 gallons (referred to below as a "large container").
- (b) Container regulations.
 - (1) It shall be unlawful for any person owning or controlling any nonresidential premises to maintain or allow the outdoor accumulation of garbage or trash on (or adjacent to) the premises, except within a container that is:
 - a. Made of metal or other rigid material;
 - b. Designed, constructed and maintained to completely enclose garbage or trash and prevent the entry of vermin; and
 - c. Kept completely closed at all times, except when being filled, emptied or cleaned with a top or lid that is made for that container. All containers used by the public must be kept closed with a top or lid at all times.
 - (2) It shall be unlawful for any person owning or controlling any nonresidential premises to place, use, maintain or allow any large container on those premises, if it does not comply with the additional criteria for large containers set out in subsection (c), below.
 - (3) It shall be unlawful for any person to own any large container, or to place, lease, rent, control, empty or service it, if the container is:

- a. Located on nonresidential premises; and
 - b. Does not comply with the additional criteria for large containers set out in subsection (c), below.
- (4) It shall be unlawful for any person to empty, clean or service any large container on any day after 7:00 p.m. or before 7:00 a.m., or to knowingly cause or allow it to occur.
- (c) Additional criteria for large containers. Large containers on nonresidential premises must:
- (1) Comply with the zoning ordinance as to location, screening, etc.; large containers must also comply with the following specific location and screening requirements as follows:
 - a. Intent. Dumpsters shall be located and screened from public view.
 - b. Placement. Dumpsters shall be located in the side or rear of the property, at least ten feet from the property line, so they generally are not visible from the public right-of-way and are screened with plantings or durable materials compatible with adjacent architecture. They shall be located outside of the required building setback area.
 - c. Screening. Dumpsters shall be screened on three sides using one of the following methods:
 - 1. A masonry wall enclosure of a height that is a minimum of one foot above top of dumpster.
 - 2. A planting enclosure of large evergreen shrubs planted a minimum of four feet apart that shall create a solid screen to a minimum height of seven feet within two years.
 - 3. A combination of the subsections 1. and 2. of this subsection. All dumpster screening plans shall be identified and detailed on a submitted and approved site plan.
 - d. Enclosure size. The minimum enclosure size for refuse and recycling containers shall be based upon a seven-foot-wide by seven-foot-deep container (ten-cubic-yard container). The interior dimensions of the enclosure shall provide the following minimum clearances:
 - 1. The minimum side-to-side clearance between containers and/or enclosure walls shall be two and one-half feet.
 - 2. The minimum front-to-back clearance between containers and enclosure walls or gates shall be two feet.
 - e. Have a conspicuous notice reading as follows: "Unlawful to empty this container after 7:00 p.m. or before 7:00 a.m. in the City of West University Place. This container must be kept closed except when being filled, emptied or cleaned." The notice must be printed with red letters at least two inches high on a white background, and it must be permanently affixed (or painted) in a location where it is plainly visible to any person filling or emptying the container.

(Code 2003, § 11.025; Ord. No. 1990, § 2(app. A), 5-19-2014)